

TRANSCRIPT OF PROCEEDINGS

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the Matter of:

FRANK C. RICHARDS

Application for New License in the Amateur
Radio Service

WT Docket No. 07-109

FCC File No. 0002666016

ORIGINAL

DATE OF HEARING: JULY 10, 2007 VOLUME: 1

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

FRANK C. RICHARDS

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Application for
New License in the
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0002666016

Federal Communications Commission
Washington, D.C.

Tuesday, July 10, 2007

9:30 a.m.

BEFORE:

ARTHUR I. STEINBERG
Administrative Law Judge

NEAL R. GROSS

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APPEARANCES:On Behalf of the Federal
Communications Commission:

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P-R-O-C-E-E-D-I-N-G-S

9:37 a.m.

JUDGE STEINBERG: We're on the record now.

This is a prehearing conference in EB Docket Number 07-109. By Hearing Designation Order DA07-2184 released May 24th, 2007, this case was designated for hearing. The issues seek to determine whether Frank C. Richards made false certifications, misrepresentations to and/or lacked candor before the Commission in applications and/or responses to Commission inquiries, to determine the effect of those representations of fact on his qualifications to be licensed by the Commission, to determine whether Mr. Richards is qualified to be a Commission licensee and to determine whether his application for a new license in the amateur radio service should be granted.

By order FCC 07M-16 released June 1st, 2007, this case was assigned to me and a

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1 pre-hearing conference was scheduled for this
2 morning. Let me first take the appearances
3 for the parties.

4 On behalf of Frank C. Richards?
5 Let the record reflect that there's no
6 response and that there's no one here -- no
7 one is physically present to represent him.

8 For the Chief Enforcement Bureau?

9 MS. SINGH: Your Honor, good
10 morning, my name is Anjali K. Singh, and with
11 me is Gary P. Schonman.

12 JUDGE STEINBERG: Thank you.

13 The Enforcement Bureau on June 25th
14 filed a Motion to Dismiss Application with
15 Prejudice and Terminate Hearing. In that
16 motion the Bureau requested the dismissal with
17 prejudice of Mr. Richards' application on the
18 ground that he failed to file a written
19 appearance.

20 Pursuant to Section 1.294(C)(2) of
21 the rules, a response to the Bureau's motion
22 is due to be filed not later than today, July

1 10th, 2007. What I'm going to do is I'm going
2 to wait to see if there's a response to the
3 motion and if there's no response, then I'll
4 grant the motion.

5 And let me just outline the law as
6 recited in the Bureau's motion. Sections
7 2.221(C) of the Commission's rules and
8 Paragraph 11 of the Hearing Designation Order
9 required Mr. Richards to file a written
10 appearance stating that he will appear on the
11 date fixed for hearing and present evidence on
12 the specified issues. The written appearance
13 was required to be filed within 20 calendar
14 days of the mailing of the hearing designation
15 order. Since the hearing designation order
16 was mailed on May 24th, 2007, a notice of
17 appearance was due to be filed on or before
18 June 13th, 2007.

19 And I've been handed before the
20 conference a photocopy of a certified mail,
21 return receipt which shows apparently the
22 signature of Mr. Richards and it shows that he

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1 received -- that the date of delivery of the
2 hearing designation order was May 29th, '07 so
3 there's no question he received it.

4 No one -- no written notice of
5 appearance has been filed to date and no one
6 has entered an appearance on behalf of Mr.
7 Richards at this conference. Section 221(C)
8 of the rules and paragraph 12 of the hearing
9 designation order also provide that if Mr.
10 Richards fails to file a written appearance
11 within the 20-day period, his application for
12 new license shall be dismissed with prejudice
13 for failure to prosecute.

14 As I said, I'll wait a reasonable
15 period of time to see if there's a response
16 and if there's no response and no notice of
17 appearance or anything like that then I'll
18 grant the motion.

19 MS. SINGH: Thank you, your Honor.

20 JUDGE STEINBERG: Is there
21 anything further that was have to talk about
22 or any comments that you want to make?

1 MS. SINGH: No, thank you, your
2 Honor.

3 JUDGE STEINBERG: Okay, so at this
4 time, we'll go off the record.

5 (Whereupon, at 9:41 a.m. the
6 hearing in the above-entitled matter
7 concluded.)
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CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

Frank C. Richards

Name of Hearing

WT DOCKET NO. 07-109

Docket No. (if applicable)

445 12th STREET, S.W., WASHINGTON, D.C.

Place of Hearing

JULY 10, 2007

Date of Hearing

We, the undersigned, do hereby certify that the foregoing pages, numbers 1883 through 2022, inclusive, are the true, accurate and complete transcript prepared from the reporting by

Douglas Turner (Reporter's Name) in attendance at the above identified hearing, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the hearings and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the hearing or conference.

July 20, 2006

Douglas Turner

Date

Legible Name and Signature of Reporter

Name of Company: Neal Gross Co.

July 20, 2006

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Date

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